ORDER RECEIVED FOR FILING
Date
By

IN RE: PETITION FOR VARIANCE

W/S Charles Street Avenue, 290' N of the c/l Eton Avenue (611 Charles Street Avenue)

9th Election District 4th Councilmanic District

A. Stephen Gregory

Petitioner

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 98-486-A

.

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, A. Stephen Gregory. The Petitioner seeks relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 35 feet in lieu of the average required 41 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were A. Stephen Gregory, property owner, his son, Paul William Gregory, and Vincent J. Moskunas, President of M & H Development Engineers, Inc., the consulting firm which prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is part of a larger tract of land, known as 607 Charles Street Avenue, which was purchased by the Petitioner in 1960. This tract is located on the west side of Charles Street Avenue, just north of its intersection with Allegheny Avenue, in the older established community of Chestnut Hill in Towson. Approximately 6 years ago, the Petitioner subdivided his property to create an additional building lot in the southeastern corner of

ONDER RECEWED FOR FILING
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the site for his son, David Gregory, who has since developed that lot with a two-story dwelling, known as 605 Charles Street Avenue. The Petitioner now comes before me seeking to subdivide his property a second time to create another building lot for his other son, Paul Gregory, in the northeast corner of the subject property. However, due to the location of existing improvements on the overall tract, the requested variance is necessary in order to develop that property as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this

particular parcel. There were no adverse comments from any Baltimore County reviewing agency nor opposition voiced by any neighboring property owner. Thus, it appears that the relief requested will not be detrimental to the health, safety and general welfare of the surrounding locale, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26 day of August, 1998 that the Petition for Variance seeking relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 35 feet in lieu of the average required 41 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bis

ORDER RECEIVED FOR FILING
Date
By



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

August 26, 1998

Mr. A. Stephen Gregory 607 Charles Street Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
W/S Charles Street Avenue, 290' N of the c/l Eton Avenue
(611 Charles Street Avenue)
9th Election District - 4th Councilmanic District
A. Stephen Gregory - Petitioner
Case No. 98-486-A

Dear Mr. Gregory:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

buther Kotroco

for Baltimore County

TMK:bjs

cc: Mr. Vincent J. Moskunas, M & H Development Engineers, Inc. 200 E. Joppa Road, Room 101, Towson, Md. 21286

People's Counsel; Case Files



tition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #611 Charles Street Avenue

which is presently zoned

ITEM # 486

D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 303, (CBC2R) TO PERMIT A FRONT YARD SETBACK OF 35 FT. IN LIE4 OF THE AUERAGE 41 FT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

- Recorded plat for Lot #8 next door had a front bldg. setback from the 5' widening line of 30', 5' more than D.R. 5.5 zoning.
- Existing house in rear of this proposed lot belongs to his father, so the existing structure cannot be moved back any further.
- Cannot change the configuration of the proposed lot because there needs to be room for another son to construct his home. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			!/We do solemnly declare and affirm, under the penalties of legal owner(s) of the property which is the subject of this Pet	perjury, that I/we are the trion
Contract Purchaser/Lessee	t.		Legal Owner(s)	
(Type or Print Name)			A. Stephen Gregory	
(13,00 0.7 (10.11.0.11.0)			(Type or Print Name)	
Signature			Signature The Signature	y
Address			(Type or Print Name)	
Ciy	State	Zipcode	Signature	
Attorney for Petitioner			607 Charles Street Avenue	(410)337-04
(Type or Print Name)			Address Towson, MD 21204	Phone No
Signature			City State Name. Address and phone number or representative to be or M&H Development Engineers, I	7ipcode pntacted
	-	•	Vincent J. Moskunas	
Address	Phone	No	Name 200 E. Joppa Road, Room 101	 (410)828-9060
City	State	Zipcode	Towson, MD 21286	Phone No
A Company		STATE AND DESCRIPTION OF THE PERSON OF THE P	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING unavailable for Hearing	
	-	Ŋ	the following dates	Next Two Months
Printed with Scybean	ink er		ALLOTHER	

* * * * * * *	*	* * * *	*
Petitioner(s)	*	Case Number: 98-486-A	
Legal Owners: A. Stephen Gregory	*	BALTIMORE COUNTY	
District, 4th Councilmanic	*	FOR	
RE: PETITION FOR VARIANCE 611 Charles Street Avenue, W/S Charles Street Ave, 130' +/- from c/I North Bend Rd, 9th Election	*	ZONING COMMISSIONE	R
	*	BEFORE THE	

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel Old Courthouse, Room 47

le S. Demilio

400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _______ day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Vincent J. Moskunas, M & H Development Eng., Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioner(s).

PETER MAX ZIMMERMAN

TEL.: 410-828-9060 FAX: 410-828-9066

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
 ROOM 101, SHELL BUILDING
 TOWSON, MARYLAND 21286

June 16,1998

ZONING DESCRIPTION FOR #611 Charles Street Avenue

BEGINNING at a point on the west side of Charles Street Avenue which is 40' wide at the distance of 290 feet north of the centerline of Eton Road which is 50 feet wide.; thence running S 84° 11' 00" W, 85.00 feet; thence N 38° 58' 51" W, 28.92 feet; thence N 09° 31' 44" W, 63.78 feet; thence N 81° 38' 40" E, 105.05 feet; thence S 05° 49' 00" E, 92.50 feet to the place of beginning.

Containing 0.228 acres of land, more or less.

Located in the 9th. Election District and 4th. Councilmanic District.

Jacob Marie Lang, J.

J. Tilghman Downey, Jr.

#486 **98.486-A**

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	£2.	FOR # 611 Charles Street Ave,	FROM: Staphen Gradery	CHO-174 STUDIONA STUDIONA	7-7-8 ACCOUNT 1001-6157	No. 056163	BALTIMORE COUNTY, MA (LAND 1757) 4
CASHIER'S VALIDATION	1-984-30		Baltimore founty, Maryland	Redirt II 0499%	6/17/1998 6/17/1998 09:25:23 REJ 4602 PASHIER JRIC JMR DIVINED		The state of the s

CERTIFICATE OF POSTING

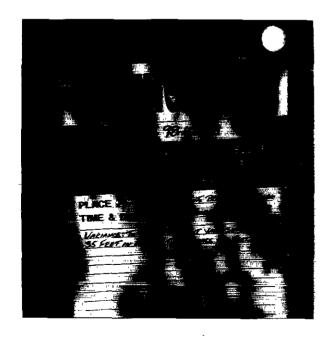
RE: Case # 98-486-A Petitioner/Developer: (A. Stephen Gregory) Date of Hearing/Glesing: (July 27, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at
611 Charles Street Avenue Baltimore, Maryland 21284
The sign(s) were posted onjuly 10, 1998(Month, Day, Year)



Sincerely, Olam 2 2 4 3/10/98
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(41 e)-687-84e 5
(Telephone Number)

NOTICE OF ZOMAN

The Zoning Commissioner of Battimore County, by authority of the Zoninig Act and Regulations of Battimore County will hold a public hearing in <u>Towson</u>, Maryland on the propertientified herein as follows:

Case: #98-486-A
611 Charles Street Avenue
W/S Charles Street Avenue,
W/S Charles Street Avenue,
130' #/- S from centerline
North Bend Road
9th Election District
4th Councilmantic District
Legal Owner(s):
A. Stephen Gregory
Variance: to permit a front

variance. to permit a nonyard setback of 35 feet in lieu of the average 47 feet. Hearing. Monday, July 27, 1998 at 16:08 a.m., is Room 407, County Courts Bidg., 401 Bosley Avenue.

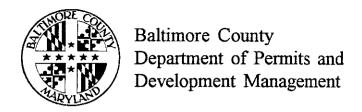
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.
(2) For information concerning the file and/or Hearing.

Please Call (410) 887-3391. 7/142 July 9 c242053

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN.

LEGAL AD. - TOWSON



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 25, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-486-A
611 Charles Street Avenue
W/S Charles Street Avenue, 130' +/- S from centerline North Bend Road
9th Election District - 4th Councilmanic District
Legal Owner: A. Stephen Gregory

Variance to permit a front yard setback of 35 feet in lieu of the average 41 feet.

HEARING: Monday, July 27, 1998 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon

Director

c: A. Stephen Gregory

M&H Development Engineers, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 12, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

July 9, 1998 Issue - Jeffersonian

Please forward billing to:

Stephen Gregory 410-337-0418

607 Charles Street Avenue Baltimore, MD 21204

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-486-A 611 Charles Street Avenue

W/S Charles Street Avenue, 130' +/- S from centerline North Bend Road

9th Election District - 4th Councilmanic District

Legal Owner: A. Stephen Gregory

Variance to permit a front yard setback of 35 feet in lieu of the average 41 feet.

HEARING: Monday, July 27, 1998 at 10:00 a.m. in Room 407, County Courts Building,

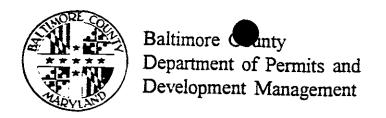
401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD	JABLON,	DIRECTOR
For newspaper advertising:			
Item No.: 486			
Petitioner: Stephen Gregory			
Location: 611 Charles A. Avr.			
PLEASE FORWARD ADVERTISING BILL TO:			
NAME: Stophen Gregory			
ADDRESS: 607 (Names Street Ave.			
Balto. MD 21204			
PHONE NUMBER: (410) 337-0418			
		-	

(Revised 09/24/96)



AJ:ggs

Request for Zoning:	Variance, Special Exception, or Special Hearing
Date to be Posted: A	anytime before but no later than
Format for Sign Prin	nting, Black Letters on White Background:
	ZONING NOTICE
W. W. 1800 - Wall 1800 - 1900	Case No.: 98-486A
	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE:	
DATE AND TIME:	
A FRONT	TITION FOR ZONING VARIANCE TO REPUIT YARD SETBACK OF 35 FT. IN LIEU VERACE 41 FT.
POSTPONEMENTS DU	JE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.
DO NOT REMOV	E THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
	HANDICAPPED ACCESSIBLE

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESILENCE ZONES WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED Reference - Section 303.1 Baltimore County Zoning Regulations

315

Heppen Gragary

OII ENANGE OF

applicant's name

JUM 17.98 building address

erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 than those specified therefrom in the area regulations the depth of the front yard of any building hereafter the joint side property line, but where said immedifront yard depth of any building or other structure heresiter erected shall be the average of the front ately adjoining lots are not both so improved, then each side provided such adjoining lots are improved with principal buildings situate within 200 feet of principal buildings have front yards of less depth zones. In no case, however, shall nonresidential yard depths of the lots immediately adjoining on 303.1 -In D.R.2, D.R.3.5 and D.R.5.5 Zones the for D.R.2, D.R.3.5 and D.R.5.5 respectively.

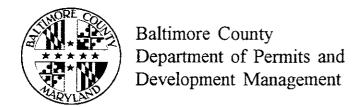
REQUIRED FRONT SETBACK (mveraged) ᇤ Vabant F. Vacant TOTAL (8

NORMAL REQUIRED SETBACKS

D.R. 3.5- 55 ft. D.R.5.5- 50 ft.

D.R.2 - 65 ft.

-2007-Reg'd setbock VACANT SUBJECT PROPERTY center line of street paving-- 200-



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 23, 1998

Mr. Vincent J. Moskunas M & H Development Engineers, Inc. 200 E. Joppa Road, Room 101 Towson, MD 21286

RE: Item No.: 486

Case No.: 98-486-A

Location: 611 Charles Street

Avenue

Dear Mr. Moskunas:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 17, 1998.

Zoning The Advisory Committee (ZAC), which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:ggs Enclosures





Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

July 10, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 29, 1998

Item No.: 483, 485, (486) AND 487 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

483, 485, 486, AND 487

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 6, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for July 6, 1998

Item Nos. 486, 487 and 488

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:cab

cc: File

ZONE0706.NOC

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

To:

POM

FROM:

R. Bruce Seeley . Bas/Fg

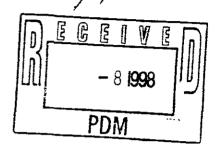
Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Mesting Date:



The Department of Environmental Protection & Resource Management has no Comments for the following Zoning Advisory Committee Items:

Itsm #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP

Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County 6.25.34 RE:

Item No. 486 2T

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Dull As Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

Jun-

INTER-OFFICE CORRESPONDENCE

DATE: July 20, 1998

TO: Arnold Jablon, Director Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 486

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief: Jeffrey W- Len

AFK/JL

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
A. Stephen Gregory	607 Charles St. Ave.
7 3	Towson, Md 21204
Paul WM Gregory	(Same above)
VINCENT J. MOSICUN AS, Pres.	
VINCENT J. MOSICUN AS, Pres.	200 E. JOPPA. RO. Towson Mo. 2128 E
	
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